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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,794	10/30/2003	Cheng Chung Wang	10111395	8106

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QUINTERO LAW OFFICE, PC
2210 MAIN STREET, SUITE 200
SANTA MONICA, CA 90405

EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/696,794	Applicant(s) WANG, CHENG CHUNG	
	Examiner James M. Hewitt	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,10-12,14-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,10-12,14-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/21/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 2-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the telephone conversation with Nelson Quintero on 9/1/04.

Specification

In the amendment to the specification filed 10/21/06, the rewritten paragraph is said to replace the paragraph beginning on page 8, line 10. This is incorrect. The paragraph to be replaced begins on page 8, line 25. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country; more than one year prior to the date of application for patent in the United States.

Claims 1, 6-7, 10-12, 14-18 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Price (US 5,606,756).

With respect to claim 1 and with reference to Figure 29, Price discloses an air mattress, comprising: an inflatable mattress pad (312), having an upper portion (314)

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and a lower portion (316); a separately inflatable back support (318), adjacent to the upper portion of the mattress pad; and an air pump assembly (26), built into the mattress pad, the air pump assembly arranged to inflate the mattress pad, wherein both the upper and lower portions are inflated when the mattress pad is inflated, and separately inflate the back support to raise the upper portion and vary an angle between the upper and lower portions of the mattress pad.

With respect to claim 6, wherein the back support has a V-shaped cross section.

With respect to claim 7, the air pump assembly comprising a valve and a air outlet connected to the mattress pad, wherein the air pump assembly inflates the mattress pad when the valve is open.

With respect to claim 10, the air pump assembly comprising a valve and an air outlet connected to the back support, wherein the air pump assembly inflates the back support when the valve is open.

With respect to claim 11, wherein the air pump assembly comprises a pack having a first air outlet connected to the back support and a second air outlet connected to the mattress pad.

With respect to claim 12, wherein the air pump assembly comprises a pack, a fan and motor (104), and a motor switch mounted on the pack to activate the fan and motor.

With respect to claim 14 and with reference to Figure 29, Price discloses an air mattress comprising: an inflatable mattress pad (312) comprising an upper portion (314) and a lower portion (316); a separately inflatable back support (318) disposed adjacent to the upper portion of the inflatable mattress pad; and an air pump assembly

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(26) built into the inflatable mattress pad, the air pump assembly separately connected to the inflatable mattress pad and inflatable back support for inflation thereof, wherein the upper portion of the inflatable mattress pad is raised such that the angle between the upper and lower portions of the inflatable mattress pad is varied when the inflatable back support is inflated by the air pump assembly.

With respect to claim 15, wherein the air pump assembly further comprises a first air outlet communicating with the interior of the back support, and a second air outlet communicating with the interior of the inflatable mattress pad.

With respect to claim 16, wherein the air pump assembly further comprises a fan and motor (104).

With respect to claim 17, wherein the air pump assembly further comprises a first valve for controlling the passage of air through the first air outlet, and a second valve for controlling the passage of air through the second air outlet.

With respect to claim 18, wherein the air pump assembly further comprises a first switch for opening and closing the first valve, and a second switch for opening and closing the second valve.

With respect to claim 20, wherein the air pump assembly is connected to the inflatable back support through the interior of the inflatable mattress pad.

With respect to claims 21 and 22, wherein the air pump assembly is recessed into the inflatable mattress pad (see col. 18, ll. 60-62).

Response to Arguments

Applicant's arguments filed 10/21/06 have been fully considered but they are not persuasive.

Regarding Price, Applicant asserts "there is no teaching or suggestion is Price that mattress 312 is inflatable, or that pump 26 is connected thereto for inflation of mattress 312. To the contrary, mattress 312 appears to be a conventional mattress having a gusset-shaped opening 320 allowing for independent movement of head portion 314 relative to foot portion 316 according to the inflation of an air wedge 318 disposed beneath the head portion." Examiner disagrees. Price's entire disclosure is concerned with air mattresses. His title reads "Air Bedding System With Diaphragm Pump". The immediately following embodiment, Figure 31, is a top view of an air mattress **312** which can be used with air wedges **318**. The wedges are to be disposed beneath the head section **314**. The air mattress **312** has a head section, foot section and gusset, all of which are identified by the same reference numerals used to identify the mattress **312**, head section, foot section and gusset in the embodiment of Figure 29.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

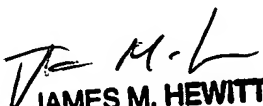
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JAMES M. HEWITT
PRIMARY EXAMINER